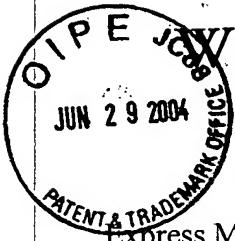


RICK D. NYDEGGER
BRENT P. LORIMER
THOMAS R. VUKSINICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRIGHAM
JOHN M. GUYNN
CHARLES L. ROBERTS
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. VEVERKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE *
STERLING A. BRENNAN
R. BURNS ISRAELSEN
DAVID R. TODD
GREGORY M. TAYLOR
DAVID B. DELLENBACH
L. DAVID GRIFFIN
ADRIAN J. LEE
FRASER D. ROY
CARL T. REED



R. PARRISH FREEMAN, JR.
PETER F. MALEN, JR.
L. REX SEARS, PH.D.
WILLIAM R. RICHTER
ERIC M. KAMERATH
ROBERT E. AYCOCK
JENS C. JENKINS
KEVIN W. STINGER
WILLIAM J. ATHAY
MICHAEL B. DODD
RYAN D. BENSON
SARA D. JONES
TIGE KELLER
JANNA L. JENSEN
MATTHEW D. TODD
J. LAVAR OLDHAM
MICHAEL J. FRODSHAM
JOSEPH L. KRUPA
BRETT A. HANSEN
BRETT I. JOHNSON
MATTHEW A. BARLOW
WESLEY C. ROSANDER
ANDREW S. HANSEN
CHAD E. NYDEGGER
JOSEPH G. PIA
CLINTON E. DUKE
DAVID J. LORENZ †
RYAN N. FARR *
JAMES B. BELSHE



06-30-04
3732\$fc
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE: (801) 533-9800
FAX: (801) 328-1707
WEBSITE: [HTTP://WWW.WNLAW.COM](http://www.wnlaw.com)

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PATENT APPLICATION
Docket No. 13447.9.2
IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Daniel E. Gerbec et al.

Serial No.: 10/651,138) Art Unit
Filed: August 28, 2003) 3732
Confirmation No.: 8182)
For: METHODS FOR ADJUSTABLE BONE)
FUSION IMPLANT)
Examiner: David A. Bonderer)

TRANSMITTAL FOR AMENDMENT "A"
AND RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment "A" and Response for entry in the above-identified application.

X Small entity status of this application is claimed under 37 C.F.R. § 1.9 and § 1.27.

— To secure the approval of the Examiner for proposed amendments to the drawings, enclosed are the following:

— Letter to the Official Draftsperson;

— Set of _____ () sheets of drawings containing Figures _____ including the proposed amendments therein; and

— A duplicate set of the _____ () sheets of drawings with the changes therein highlighted in red.

— To render the transmitted Amendment “___” and Response timely filed enclosed are the following:

— Petition for a _____ -Month Extension of Time; and

— Check No. _____ in the amount of \$ _____ to cover the fee for the extension of time.

X A Certificate of Express Mail Under 37 C.F.R. § 1.10.

— No other additional fee is required.

The fee has been calculated as follows:

			SMALL ENTITY		LARGE ENTITY	
CLAIMS REMAINING AFTER	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDT'L FEE	RATE	ADDT'L FEE
TOTAL 23	MINUS 25	= 8	X 9	72	X	
INDEPENDENT 4	MINUS 4	= 0	X 43	0	X	
1 st PRESENTATION OF MULTIPLE DEPENDENT CLAIM			+ _____ =		+ _____ =	
			TOTAL	72	TOTAL	

X Form PTO-2038 submitting Credit Card Payment in the amount of \$72.00 is enclosed to cover the additional claim fee.

— Please charge my Deposit Account No. 23-3178 in the amount of _____.

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.

X Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

X Any patent application processing fees under 37 CFR 1.17.

X A duplicate copy of this transmittal letter is attached.

Dated this 29th day of June 2004.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800
Facsimile No. 801.328.1707

DLT: dfw
DFW0000010865V001



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Express Mailing Label No. EV 381 918 010 US

PATENT APPLICATION
Docket No. 13447.9.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

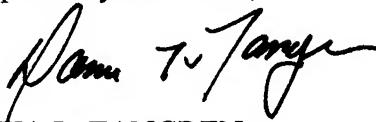
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)
For: METHODS FOR ADJUSTABLE BONE)
 FUSION IMPLANT)
)
Examiner: David A. Bonderer)

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that the following documents are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 29th day of June 2004.

- Transmittal Letter (3 pages) (in duplicate)
- Amendment "A" and Response (17 pages)
- PTO-2038 Credit Card Payment Form in the amount of \$72
- Postcard

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246
Customer No. 022913



Express Mailing Label No. EV 381 918 010 US

PATENT APPLICATION
Docket No. 13447.9.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Examiner: David A. Bonderer)

AMENDMENT "A" AND RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed from the United States Patent and Trademark Office on March 29, 2004, please enter the following amendments and remarks in the above-identified patent application:

Amendments to the claims begin on page 2 of this paper.

Remarks begin on page 12 of this paper.

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